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Remarks

Claims 1-13 are pending in the application.

Claims 1-8 are allowed.

Claims 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Price et al. (U.S. Patent No. 6,118,566, hereinafter "Price").

Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this amendment, Applicants have amended claim 9 to further clarify Applicants' invention. Claim 11 has been rewritten in independent form. New claim 14 has been added to depend from rewritten claim 11, and to recite features as in claim 10. No new matter has been added.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Thus, entry is respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any

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amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

#### Rejection Under 35 U.S.C. 102

Claims 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Price. The rejection is traversed.

Claim 9 has been amended to further clarify Applicants' invention. Specifically, claim 9 recites, in part, "mixing each of the plurality of frequency-based message signals with a corresponding unique sub-carrier associated therewith to generate a plurality of sub-carrier modulated frequency-based signals." The amended claim 9 is fully supported by the original specification, e.g., at least on page 6, lines 9 to 11.

Unlike Applicants' claim 9, Figure 16 of Price teaches that the electrical signals  $\Delta B1$  and  $\Delta B2$  are modulated (after passing through encoder 50 and filter 52) with the same carrier frequency  $\nu e1$ , and electrical signals  $\Delta B3$  and  $\Delta B4$  are modulated (after passing through encoder 50 and filter 52) with the same carrier frequency  $\nu e2$ . As such, Price does not teach at least the feature of "mixing each of the plurality of frequency-

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based message signals with a corresponding unique sub-carrier associated therewith to generate a plurality of sub-carrier modulated frequency-based signals," as provided in Applicants' claim 9. Thus, claim 9 is not anticipated by Price, and is patentable under 35 U.S.C. 102(b).

Since claim 10 depends from claim 9 and recites additional features, it is also allowable over the cited reference.

Applicants respectfully request that the rejection of claims 9-10 be withdrawn.

#### Allowed Claims

Applicants thank the Examiner for the allowance of claims 1-8.

#### Objection to Claims 11-13

Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 11 has been rewritten in independent form to include all limitations from the original independent claim 9. Thus, the rewritten claim 11 is in allowable form.

Since claims 12-13 depend from claim 11, and recite additional features therefore, these claims are also patentable in their current form.

Applicants respectfully request that the objection be withdrawn.

#### New Claim 14

New dependent claim 14 has been added to depend from rewritten claim 11. The subject matter of claim 14 is fully supported by the original specification as filed, for example, at least in claim 10. As such, no new matter has been added. Since the rewritten claim 11 is in allowable form, claim 14 is also patentable under 35 U.S.C. 102 and 103.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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